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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/805,144

03/19/2004

Peter J. Kennedy

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09/24/2007

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EXAMINER

YUN, EUGENE

ART UNIT

PAPER NUMBER

2618

MAIL DATE

DELIVERY MODE

09/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/805,144

Applicant(s)

KENNEDY, PETER J.

Examiner

Eugene Yun

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) 11-23, 34-48 and 53-64 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 24-33 and 49-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of claims 1-10, 24-33, and 49-52 in the reply filed on 7/19/2007 is acknowledged. The traversal is on the ground(s) that searching and examining the claims would not cause an undue burden on the Patent Office. This is not found persuasive because no further explanation is given as to why the groups are similar. The examiner cannot be persuaded if the only explanation is that "searching and examining the claims would not cause an undue burden on the Patent Office". Therefore, the examiner reiterates that if the claims in groups II and III are examined, the examiner would have to search for different material such as a data processing center and call forwarding according to lost communications as opposed to call forwarding according to the position of two mobile devices (group I). This additional search would indeed cause an undue burden on the examiner.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-10, 24-33, and 49-52 are rejected under 35 U.S.C. 102(e) as being anticipated by Amin et al. (US 7,171,221).

Referring to Claim 1, Amin teaches a device to configure telephone services, the device comprising:

A signal detecting circuit (see col. 3, lines 10-12);

A control circuit coupled to the signal detecting circuit to determine whether or not a first phone and a second phone are positioned with respect to each other according to a relation (see col. 4, lines 31-39); and

A call forwarding configuring circuit coupled to the control circuit, the control circuit causing the call forwarding configuring circuit to configure a call forwarding service of the first phone in response to a change in whether or not the first phone and the second phone are positioned with respect to each other according to the relation (see col. 3, lines 61-63).

Referring to Claim 24, Amin teaches a method to configure telephone services, the method comprising:

Detecting whether or not a first phone and a second phone are positioned in a close relation with respect to each other (see col. 4, lines 31-39); and

Automatically configuring a call forwarding service of the first phone in response to a change in whether or not the first phone and the second phone are positioned in close relation with respect to each other (see col. 3, lines 61-63).

Referring to Claim 49, Amin teaches A machine readable medium containing executable computer program instructions which when executed by a data processing system cause said system to perform a method to configure telephone services, the method comprising:

determining whether or not a first phone and a second phone are positioned in a close relation (see col. 4, lines 31-39); and

automatically configuring a call forwarding service of the first phone in response to a change in whether or not the first phone and the second phone are positioned in the close relation (see col. 3, lines 61-63).

Referring to Claim 2, Amin also teaches a dialing circuit, the control circuit causing the dialing circuit to dial a sequence to configure the call forwarding service of the first phone in response to the change in whether or not the first phone and the second phone are positioned with respect to each other according to the relation (see col. 7, lines 38-46).

Referring to Claims 3 and 26, Amin also teaches a sequence dialed to start forwarding calls of the first phone to the second phone when the first phone and the second phone are positioned with respect to each other according to the relation (see col. 4, lines 31-39).

Referring to Claims 4 and 27, Amin also teaches the sequence dialed to stop forwarding calls of the first phone to the second phone when the first phone and the second phone are not positioned with respect to each other according to the relation (see col. 6, lines 58-62).

Referring to Claims 5 and 28, Amin also teaches a sequence dialed to start forwarding calls of the first phone to the second phone when the first phone and the second phone are not positioned with respect to each other according to the relation (see col. 6, lines 23-32).

Referring to Claims 6 and 29, Amin also teaches a sequence dialed to stop forwarding calls of the first phone to the second phone when the first phone and the second phone are positioned with respect to each other according to the relation (see col. 6, lines 58-62).

Referring to Claim 7, Amin also teaches the first phone and the second phone are positioned with respect to each other according to the relation when the signal detecting circuit detects signals from the second phone (see col. 4, lines 31-39).

Referring to Claim 8, Amin also teaches the signals from the second phone as one of: signals transmitted through a wire connecting the second phone and the device;

infrared signals; radio signals for Wireless Personal Area Networks; and radio signals for Wireless Local Area Networking (see col. 4, lines 5-15).

Referring to Claim 9, Amin also teaches the device sharing at least a portion of the dialing circuit with the first phone (see col. 6, lines 23-32).

Referring to Claim 10, Amin also teaches the device separate from the first phone, and the device connected to the phone line of the first phone (see col. 4, lines 5-15).

Referring to Claim 25, Amin also teaches automatically configuring a call forwarding service of the second phone in response to the change (see col. 7, lines 38-46).

Referring to Claim 30, Amin also teaches the first and second phone positioned in close relation with respect to each other when the first phone and the second phone are in radio communication (see col. 4, lines 31-39).

Referring to Claim 32, Amin also teaches the first phone and second phone positioned in the close relation with respect to each other when one of the first phone and second is connected to a control device with one of: a wired link; an infrared link; and a low power radio link (see col. 4, lines 5-15).

Referring to Claim 33, Amin also teaches the control device as one of: integrated within one of the first phone and the second phone; and co-located with one of the first phone and the second phone (see col. 4, lines 5-15).

Referring to Claim 50, Amin also teaches the first phone and second positioned in the close relation when a communication link between the first phone and the second phone is established (see col. 2, lines 21-32).

Referring to Claims 31 and 51, Amin also teaches the communication link in accordance with one of IEEE 802.11 and IEEE 802.15 (see col. 4, lines 5-15).


Referring to Claim 52, Amin also teaches the first phone and the second phone positioned in the close relation when a communication link between the first phone and a control device is established; wherein the control device is one: of integrated within a second phone; co-located with the second phone; and connected to a phone line of the second phone (see col. 4, lines 5-15).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (571) 272-7860. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571)272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Eugene Yun
Examiner
Art Unit 2618

EY